

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING MINUTES**

DATE: September 14-15, 2011

LOCATION: Hilton Garden Inn
San Francisco/Oakland Bay Bridge
1800 Powell Street
Emeryville, CA 94608

PRESENT: Jeannine Graves, MPA, BSN, RN, President
Doug Hoffner, Vice President
Judy L. Corless, BSN, RN
Dian Harrison, MSW
Erin Niemela
Catherine M. Todero, PhD, MSN, RN

NOT PRESENT: Darlene Bradley, MSN, CNS, RN
Richard L. Rice
Kathrine M. Ware, MSN, ANP-C, RN

ALSO PRESENT: Louise Bailey, M.Ed., RN, Executive Officer
Stacie Berumen, Assistant Executive Officer
Don Chang, DCA Legal Counsel
Christina Sprigg, Administration Manager
Carol Stanford, Diversion Program Manager
Kathy Hodge, Enforcement Program Manager
Beth Scott, Probation Program Manager
Bobbi Pierce, Lead, Licensing Program Manager
Janette Wackerly, SNEC
Katie Daugherty, NEC
Leslie Moody, NEC
Kay Weinkam, NEC
Joaquin Murphy, Supervising Investigator
Kim Ott, Legal Desk Analyst

Wednesday, September 14, 2011

1.0 CALL TO ORDER

J. Graves, Board President, called the meeting to order at 9:08 am and had the members introduce themselves.

2.0 Public Comment for Items Not on the Agenda

No Public Comment

3.0 Review and Approve Minutes:

➤ June 15, 2011, Board Meeting

MSC: Corless/Todero that the Board approves minutes with changes from June 15, 2011. 6/0/0

4.0 Report on Board Members' Activities

Jeannine Graves reported that she and Louise Bailey attended the National Council State Boards of Nursing in Indianapolis, Indiana in August.

5.0 Board and Department Activities

5.1 Executive Officer Report

Louise Bailey presented this report

BRN Office Relocation

The BRN staff has moved into our new office located at 1747 North Market Blvd. It is located across the parking lot from current DCA headquarters. The BRN office was closed to most staff and the public on Friday, August 26, 2011 and remained closed to the public on Monday, August 29, 2011. Staff arrived at the new office on Monday, August 29th ready to unpack and settle into their new home. Staff were somewhat unpacked but had the office up and running and open for business on Tuesday August 30th. As BRN is the only tenant in the building, construction continues in the unoccupied portion of the building for our future neighbors. Due to the ongoing construction the BRN reception area is currently unavailable to the public, so we have set up a temporary reception counter in a conference room just inside the main lobby of the building. As with any move there are bugs to work out and staff is working diligently to ensure that any issues are addressed immediately.

BRN staff is to be commended for completing this move as it was a huge endeavor, all were very well prepared. Staff worked with the DCA facilities unit to ensure that movers were directed appropriately as well as worked with other vendors to ensure that equipment such as safes, copiers and micro film machines were packed and delivered to the new office in one piece and in working order. Also, throughout the office design and moving process staff collaborated with file room vendors to ensure the design of the BRN's two new file rooms were executed to meet the criteria provided by BRN. The DCA's office of Information Services and BRN IT staff worked diligently to ensure the BRN would have data and phone connectivity between the two buildings by start of business on Tuesday following the move.

The move was very well organized and executed by staff from the BRN's Administration unit with file room organization assistance from staff in the Enforcement and Licensing units. These individuals worked for months ahead of the move meeting and organizing the office in preparation for this massive move. A great big thanks to everyone on the move team for going the extra 10 miles, for working late during the week and overtime on the weekends to get the job done, and for doing it all with a good attitude. Job well done!

Board's Budget Update

Workload and Revenue – The board received an update showing the actual workload for each revenue category for the 5 previous years as well as the projected workload for

2011/12 and 2012/13. The following is a sampling of the trends that were noted in various revenue categories for FY 2010/11:

- Number of RNs increased slightly by 2.5%
- Number of US graduates remains consistent
- Number of international applicants has declined
- First time exam and repeat exam applications were down by 22.6%
- RN renewals were down slightly by 3.3%
- Temporary RN licenses are no longer processed over the counter unless the RNs fingerprint results are on file; therefore, the number of applications was down by 12.4% and is projected to drop by another 47% in FY 11/12
- All other revenue categories remain consistent

Fund Condition – The Board's reserve as of June 30, 2011, is 4.7 months. However it is projected to drop to 0.1 months by the end of this FY due to the \$15 million GF loan. The dramatic drop in fund reserve includes a scheduled loan repayment from the GF of \$3.7 million by June 30, 2012.

Budget Change Proposals (BCP) –The BRN submitted three (3) Budget Change Proposals for FY 2012/2013.

Department of Consumer Affairs (DCA) Updates

Division of Investigation Breach

The BRN learned on July 28, 2011, that there was a breach of licensee information at the Division of Investigation on July 22, 2011. Information involving a limited number of licensees was stolen from an investigator's vehicle. Once BRN staff were notified we immediately began working with DCA Legal Counsel and DCA's Office of Information Security to prepare and send letters to those affected by the breach. The Executive Officer has been in contact with the Chief of DOI and DCA Legal Office to ensure this type of breach does not occur again. The Executive Officer followed up with the Chief of DOI on September 9, 2011.

BreEZe Update

The BreEZe Project continues to prepare for the arrival of the BreEZe Solution Vendor in September 2011. Procurement activities are coming to a close, and all who are involved in the Project are extremely excited for the transition from the Procurement to the Configuration Phase.

Since the last update, board and bureau business experts have participated in system requirements reviews with contract bidders, electronic data retention policy collaborative meetings, and system requirement flow design and refinement meetings. Business experts from numerous boards and bureaus have participated in the efforts of the Data Conversion, Forms, and Reports Workgroups. Without their assistance and guidance, the BreEZe Project would not be where it is today.

Once the solution vendor starts work business expert participation will be critical to keeping the project moving forward on schedule. Also, much of the upfront work will affect the boards and bureaus in the later releases of the project. For example, standard reports to be used by all boards and bureaus will be identified, configured, and tested early in the project.

The BreEZe Project is currently engaging in many activities prior to the vendor start date to ensure we are in position to "hit the ground running." The Forms Workgroup is moving to Phase Two of their work and will begin exploring opportunities to standardize

complaint and renewal forms. The Reports Workgroup is analyzing the list of 370 standard system reports to identify potential duplicate and unnecessary reports. The BreEZe Business Team continues to collaborate with boards and bureaus to document business processes.

Board Member Orientation

In accordance with Business and Professions Code Section 453, Board Members are required to attend DCA's Board Member Orientation within one year of their appointment. The next Board Member Orientation is set for October 12, 2011 at DCA Headquarters in Sacramento from 9:00 am to 4:30 pm. Please notify the Administration Unit if you would like to attend either of the orientations.

Hiring Freeze Exemptions

The BRN has submitted two hiring freeze exemptions for consideration and approval. Their status is as follows:

Exemption	Date Submitted	Status
G-0036 (5 NEC's)	6/10/11	At Department of Finance since 7/28/11
G-0051 (18 Enforcement Positions)	6/30/11	Returned to BRN for additional data 7/18/11
	8/1/11	With DCA Fiscal Officer as of 9/8/11

Travel Restrictions Executive Order B-6-11

The BRN continues to operate under Executive Order B-6-11, issued by the Governor's office on April 26, 2011, regarding discretionary travel. The Executive Order stated that all discretionary travel is prohibited. All in-state non-discretionary travel must be approved by Agency Secretaries or Department Directors who do not report to an Agency Secretary. All out-of-state travel must be approved by the Governor's Office.

Reports Recently Added to the BRN Website

A memo was sent by e-mail and postal delivery to all nursing programs, nursing associations, other governmental agencies, and other interested parties to announce the update of information on the BRN Website which includes the 2010 RN Survey Report and the Annual School Surveys Data. The memo also announced upcoming website updates including interactive data summaries based on the 2010 RN Survey data (which has since been added to the Website), the 2011 Forecasts of the Registered Nurse Workforce in California, and a 2011 Fall/Winter edition of the BRN Report newsletter.

Annual School Survey 2010-2011

The Annual School Survey, which is completed on-line by all pre-licensure nursing programs, will be available beginning October 3, 2011. The survey includes questions on enrollments, graduations, program and faculty data, and post-licensure program data is also collected. The survey is currently being beta tested by a few programs before an e-mail will be sent to all schools. The deadline for schools to provide data is November 15, 2011. This survey is conducted by our contractor, the University of California, San Francisco. They will compile the data and provide the Board with a statewide annual report and regional reports which will be provided at a future Board Meeting.

New Contract with UCSF for Continued Data Collection

The BRN recently entered into a new two-year contract with the University of California, San Francisco (UCSF) to continue conducting the biennial survey of Registered Nurses in California, the Annual School Survey, and to conduct an analysis of RN workforce diversity in California. The contract is in effect until June 30, 2013.

New Grad Survey

The BRN, the California Institute for Nursing and Health Care, the University of California, Los Angeles, the Association of California Nurse Leaders, and the California Student Nurses Associates, are collaborating together to conduct the second online survey of recent RN graduates who graduated between April 1, 2010 and August 30, 2011. Questions will address graduates experience seeking RN employment and to see if new graduates continue to have problems finding employment in the current economy. Additional information will be provided as it becomes available.

Nursing Workforce Advisory Committee

The Board is re-convening the Nursing Workforce Advisory Committee (NWAC), a committee that was originally created by the Board in November 2001 and last met in 2003. The purpose of the Committee is to advise the Board members and staff of the BRN on current and projected issues affecting the nursing workforce including supply and demand, the ability of nurses to provide safe, accessible patient care and to share information and data between agencies. Members of the Committee include health workforce planners, nursing service, nursing education, professional associations, governmental agencies, a consumer, and union representative. Jeannine Graves, Board President, is on the Committee and Stephanie Leach, Senior Workforce Project Manager with Kaiser National Patient Care Services in Oakland has agreed to chair the Committee.

The committee's first charge will be to review and provide recommendations for the 2012 biennial RN survey instrument. Due to current state travel restrictions, the work will be completed mainly by e-mail and conference calls for Committee members outside the Sacramento area. The first meeting is scheduled for October 20, 2011. A conference room within DCA headquarters will be available for local Committee members who wish to attend and all others will participate via conference call.

Public Record Requests

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of June 1, 2011 through September 1, 2011, the Board has received and processed 59 public record requests.

Board Member Correspondence

For the period of June 1, 2011 through September 1, 2011, the BRN received no letters addressed to Board Member(s).

Personnel

The following personnel changes have transpired since the last Board Meeting:

New Hires	Classification	Board Program
Elisa Serna	Office Technician	Administration
John Knowles	Staff Services Analyst	Discipline
Annette Rodriguez	Special Investigator	Investigations
Joaquin Murphy	Supervising Special Investigator	Investigations
Jessica Guanzon	Staff Services Analyst	Complaint Intake

Yvonne Natad	Associate Governmental Program Analyst	Complaint Intake
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Promotion	Classification	Board Program
Kathy Hodge	Deputy Chief – SSM II	Complaint Intake/Investigations
Beth Scott	Deputy Chief – SSM II	Discipline/Probation/Diversion
Long Dau	Staff Services Analyst	Advanced Practice
Enrique Leyva	Staff Services Analyst	Discipline

New Assignments	Classification	Board Program
Stacie Berumen	Assistant Executive Officer	Administration
Yadi Quintana	Office Technician	Investigations
Cathy Alston	Management Services Technician	Investigations
Elizabeth Elias	Special Investigator	Investigations
Laura Brann	Staff Services Analyst	Discipline
Gina Skinner	Associate Governmental Program Analyst	Diversion

6.0 Report of the Administrative Committee
Jeannine Graves, MPA, BSN, RN Chairperson

6.1 Board and Committee Meeting Dates for 2012

BOARD/COMMITTEE MEETINGS

2012

January 11, 2012 Location TBD		Education/Licensing Committee Diversion/Discipline Committee Nursing Practice Committee Legislative Committee	South
February 15-16, 2012 Location TBD		Day 1 Board Meeting – Administrative Day 2 Board Meeting – Discipline	South
March 14, 2012 Location TBD		Education/Licensing Committee Diversion/Discipline Committee Nursing Practice Committee Legislative Committee	North
April 18-19, 2012 Location TBD		Day 1 Board Meeting – Administrative Day 2 Board Meeting – Discipline	North
May 23, 2012 Location TBD		Education/Licensing Committee Diversion/Discipline Committee Nursing Practice Committee Legislative Committee	South
June 20-21, 2012 Location TBD		Day 1 Board Meeting – Administrative Day 2 Board Meeting – Discipline	South
August 1, 2012 Location TBD		Education/Licensing Committee Diversion/Discipline Committee Nursing Practice Committee Legislative Committee	North
September 12-13, 2012 Location TBD		Day 1 Board Meeting – Administrative Day 2 Board Meeting – Discipline	North
October 10, 2012 Location TBD		Education/Licensing Committee Diversion/Discipline Committee Nursing Practice Committee Legislative Committee	South
November 14-15, 2012 Location TBD		Day 1 Board Meeting – Administrative Day 2 Board Meeting – Discipline	South

6.2 Enforcement-Regulation Proposals

Don Chang presented this report

Enforcement-Regulation Proposals

- California Code of Regulations, Article 1, Section 1403, Delegation of Certain Functions
- California Code of Regulations, Article 2, Section 1410, Application
- California Code of Regulations, Article 4, Section 1441, Unprofessional Conduct
- California Code of Regulations, Article 4, Section 1443.6, Required Actions Against Registered Sex Offenders
- California Code of Regulations, Article 4, Section 1444.5, Disciplinary Guidelines

Public Comment:

Julie D'Angelo Fellmeth, Center for Public Interest Law

Tricia Hunter, ANA-C

Mark Greenberg, Keesal Young & Logan

MSC: Harrison/Niemela that the Board Defer Action until the November Board Meeting.

6.3 Regulatory Proposal: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Don Chang presented this report

The public comment period ended June 10, 2011, and one person (Hochberg) submitted a written testimony, which will be sent to Board members under separate cover. The public hearing was held June 15, 2011, and several persons testified. Don stated that the proposed regulations contained errors that needed to be corrected before the proposal could go forward and that the written comments had not been summarized. In addition, he noted that there were questions regarding the degree of discretion that the board has to deviate from the Department's standards. It was his understanding that a request had been made for a legal opinion on this question to both Legislative Counsel and to the Office of the Attorney General.

Motion that the Board defer action until the regulatory language has been cleaned up, written comments addressed and the legal opinions have been rendered on the question of board discretion.

Public Comment: None.

MSC: Todero/Harrison that the Board Defer Action until the November Board Meeting.

7.0 Report of the Legislative Committee

Richard Rice, Chairperson

7.1 Positions on Bills of Interest to the Board and any other Bills of Interest to the Board.

Kay Weinkam presented this report.

AB 1424 Perea – Franchise Tax Board: Delinquent Tax Debt

MSC: Corless/Hoffner that the Board Oppose AB 1424. 6/0/0

No public comment.

SB 161 Huff – Schools: Emergency Medical Assistance: administration of epilepsy medication.

MSC: Hoffner/Harrison that the Board Oppose SB 161. 6/0/0

Public Comment:

Trisha Hunter, ANA-C

Grace Course, SEIU

SB 538 Price – Nursing

MSC: Corless/Hoffner that the Board continue to Support SB 538. 6/0/0

No public comment.

SB 541 Price – Regulatory boards: expert consultants

MSC: Hoffner/Todero that the Board Support SB 541. 6/0/0

No public comment.

SB 747 Kehoe – Continuing education: lesbian, gay, bisexual, and transgender patients

MSC: Hoffner/Graves that the Board Opposed SB 747. 6/0/0

No public comment.

8.0 Report of the Diversion/Discipline Committee

Dian Harrison, MSW, Chairperson

8.1 Nursys Discipline Data Comparison (Scrub) Update

Beth Scott presented this report

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records.

Currently, 1,805 records have been reviewed on the active license list. Determination was made whether the cases warranted a request for the other state's discipline documents. This review resulted in 1,050 requests for out-of-state documents. The documents will be evaluated and a decision made as to the appropriate action needed.

Review of the inactive license spreadsheet is in progress and will continue until complete. Holds have been placed on 1,915 inactive records to alert staff when a nurse on the list attempts to activate their license. This alert will allow staff to immediately request and review the records to determine if out-of-state discipline documents are needed for possible action on the license.

The status of the documents reviewed:

Referred to the Attorney General	336
Pleadings Received	294
Notices of Defense Received	164
Referred to Cite and Fine	42
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	615
Settlement or Decision Pending	150
Surrender or Revocation	116
Probation or Reprimand	28

UPDATE:

The amendment to the contract with the National Council of State Boards of Nursing (NCSBN) has been fully executed. Currently the Office of Information Services is working with the NCSBN to ensure the appropriate data fields are sent to NURSYS when all of our licensing data is transferred.

AG COSTS:

As of June 30, 2011, the BRN has expended \$675,835 at the AG's office on the Nursys Scrub cases.

No public comment.

8.2 Internet Disclosure Policy – Board Approved

No update already completed.

8.3 Enforcement Program Update and Statistics

Kathy Hodge, Beth Scott and Carol Stanford presented their unit updates

PROGRAM UPDATE**Staff**

Due to the approval of two of our three individual freeze exemption requests, we were able to bring back two of our very valuable limited term employees in June 2011. Additional exemption requests were recently submitted to fill our remaining vacant positions – nursing education consultants, first line managers, special investigators, and office technicians. We have not received any qualified applications which meet the hiring freeze restrictions. The lack of support staff requires the analysts to perform technical work in addition to their highly analytical duties. Since we are unable to fully utilize their expertise, our progress to reduce case turnaround times is severely compromised.

We have had the opportunity to hire, as follows:

Complaint Intake: We recently filled all four analyst (AGPA and SSA) vacancies; however, this very busy unit is now left with only one half-time office technician (OT) and three OT vacancies.

Investigations: Northern - We conducted and cleared background investigations on four of our special investigator (SI) candidates, and the supervising SI. All began their positions in July/August 2011. We have three vacant SI positions remaining.

Investigations: Southern - Plans are underway to conduct interviews in Southern California to fill seven investigators and the supervisor position. However, we currently have very few DCA applications.

Program - Complaints

We are in the process of forming our new Complaint Intake unit. We added two more analysts, for a total of three, who not only share the applicant cases but also have taken over all new complaints for licensees with out of state discipline or convictions. Major changes are underway in processing licensing applicants. As of July 1, 2011, with the assistance of the Licensing program, all supporting documents are now obtained prior to case referral to Complaint Intake. Although in its infancy, we have already reduced those case turnaround times from two to three plus months, to less than one month. Our goal is to complete review

of all applicant files in two weeks or less once we have our full compliment of staff and the licensing staff is more experienced in recognizing what constitutes a complete file.

Additionally, as of September 1, 2011, complaint intake will begin to request and track evidentiary documents for all new complaints to support the nurses and/or investigators.

After thorough research on our retroactive fingerprint results from DOJ, approximately 5,000 licensees failed to comply with the retroactive fingerprint requirement. Due to staffing issues, we are unable to address all 5,000 licensees at one time, therefore, as their renewal date approaches, their license is placed on inactive status and a letter is sent informing them they are being referred to enforcement for further action. We anticipate a large increase in complaints and subsequent referrals to either Citation and Fine or the AG's office.

Program - Investigations

Three retired annuitant (RA) SIs are actively working our cases in Northern California. CLEAR training has been provided for the four new SIs and the supervising SI, as well as a 32-hour internal course. The special investigators will work closely with the RAs until they have proven they are ready to conduct independent investigations.

We continue to utilize the resources and expertise of DOI for the cases that meet their investigation criteria, as well as those that are prioritized as high or urgent – particularly in Southern California, as we have yet to hire BRN investigators. Only routine case investigations continue to be referred for BRN investigation.

The new investigators are reviewing our oldest cases, similar to the 365 review (all cases older than one year) that was done with DOI in 2009. There are approximately 120 from 2009 which will be referred to DOI if they merit further investigation.

Statistics

In FY 2010/11 we received 7,977 complaints, 494 more than last fiscal year. There are 789 DOI investigations and 464 BRN investigations pending completion.

Attached you will find statistics for the Enforcement Division. Please review the information provided.

CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS
June 30, 2011

STATISTICAL DESCRIPTION	2006-07	2007-08	2008-09	2009-10	2010-11
Complaints Received	3,361	3,900	5,794	7,483	7,977
Consumer Complaints	2,499	2,781	3,323	2,190	3,063
Convictions/Arrests	862	1,119	2,471	5,293	4,914
Referred to Diversion Program	367	332	400	604	582
Division of Investigation (Sworn)-Assigned	580	816	582	484	835
Division of Investigation Closed	491	771	748	1,015	716
Division of Investigation Pending	1,291	1,336	1,170	641	789
BRN Investigations (Non Sworn)-Assigned				58	33
BRN Investigations Closed				14	53
BRN Investigations Pending				40	25
BRN Desk Investigations Assigned	2,645	3,140	5,650	7,865	7,409
BRN Desk Investigations Closed	1,975	2,319	3,519	7,116	6,668
BRN Desk Investigations Pending	829	928	1,677	1,887	2,137
Criminal Actions Filed	7	23	22	21	16
Total Cite and Fine Citations Issued	17	35	115	181	105
Referred to Attorney General	314	436	515	766	1,190
Cases Pending at Attorney General	604	599	692	838	1,198
Petitions to Revoke Probation Filed	44	74	59	91	61
Accusations Filed	336	404	359	696	913
Statements of Issues Filed	22	16	14	13	52
Total Pleadings	314	494	432	800	1,026
Orders to Compel Examination (Sec. 820)	5	6	4	4	10
Interim Suspension Order	3	1	2	8	1
PC23	2	4	8	6	7
Applicant Disciplinary Actions:					
(a) License Denied	19	17	15	27	55
(b) License Issued on Probation	15	10	4	9	14
Total, Applicant Discipline	34	27	19	36	69
Licensee Disciplinary Actions:					
(a) Revocation	101	121	131	243	273
(b) Probation	120	131	139	176	267
(c) Suspension/Probation	6	10	6	1	6
(d) License Surrendered	67	73	79	92	155
(e) Public Reprimand/Reproval	9	3	8	12	37
(f) Decisions Other	3	1	5	2	5
Total, Licensee Discipline	306	339	368	526	743
Process Used for Discipline (licensees)					
(a) Administrative Hearing	44	38	56	58	102
(b) Default Decision	76	101	105	206	217
(c) Stipulation	186	200	207	262	424
Total	306	339	368	526	743

Board of Registered Nursing
Enforcement Division Statistics
FY 2010/2011

Complaint Intake	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Complaints Received	1,000	646	442	969	3,057
Closed Without Investigation	116	136	118	178	548
Assigned for Investigation	826	603	302	744	2,475
Avg Days to Close or Assign	14	20	24	12	17
Pending Complaints	192	98	119	183	183
Conviction/Arrest Reports Received	1,182	1,338	1,089	1,302	4,911
Closed/Assigned for Investigation	1,185	1,440	1,084	1,328	5,037
Avg Days to Close or Assign	17	19	16	9	15
Pending Court/Arrest Complaints	235	133	138	121	121
Total Complaints Received	2,182	1,984	1,531	2,271	7,968
Total Closed Without Investigation Assignment	125	141	122	260	648
Total Assigned for Investigation	2,002	2,038	1,382	1,990	7,412
Avg Days to Close or Assign	16	19	18	10	16
Total Pending Complaints	427	231	257	304	304

Investigations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Desk Investigations Assigned	1,999	2,042	1,381	1,986	7,408
Desk Investigations Closed	1,740	1,755	1,596	1,697	6,788
Avg Days to Close Desk Investigations	88	84	97	74	86
Pending Desk Investigations	2,424	2,528	1,988	2,140	2,140
Non-Sworn Field Investigations Assigned	12	8	12	1	33
Non-Sworn Field Investigations Closed	12	19	17	5	53
Avg Days to Close Non-Sworn Field Investigations	377	458	415	454	443
Pending Non-Sworn Field Investigations	46	35	29	25	25
Unassigned Non-Sworn Field Investigations					0
Sworn Field Investigations Assigned	79	168	312	272	831
Sworn Field Investigations Closed	261	159	141	168	729
Avg Days to Close Sworn Field Investigations	650	523	498	451	549
Pending Sworn Field Investigations	486	493	669	789	789
All Investigations First Assigned	2,000	2,046	1,385	1,992	7,423
All Investigations Closed	2,013	1,933	1,754	1,870	7,570
Avg Days to Close All Investigations	161	121	130	109	133
Pending All Investigations	2,956	3,059	2,686	2,954	2,954
Closed Without Referral to Discipline	1,471	1,582	1,467	1,580	6,100
Avg Days to Close Without Referral to Discipline	121	98	113	89	106
Investigations Aging	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
0-90 Days	1,262	1,214	1,047	1,263	4,786
91-180 Days	263	352	334	221	1,170
181 Days - 1 Year	175	190	188	266	819
1-2 Years	221	128	149	87	585
2-3 Years	67	46	27	27	167
Over 3 Years	25	3	9	6	43

Citations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
Final Citations	38	22	12	33	105
Avg Days to Complete Citations	184	198	214	211	199
Disciplinary Cases	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
AG Cases Initiated	434	284	236	235	1,189
AG Cases Pending	1,115	1,196	1,201	1,160	1,160
Statements of Issue Filed	3	9	18	22	52
SOI Proposed/Default Decisions	0	0	1	2	3
SOI Stipulated Decisions	0	2	0	10	12
SOI Final Orders (Adopted by Board)	0	2	1	12	15
SOI Avg Days to Complete	0	401	292	384	380
Accusations Filed	273	302	209	192	976
Accusations - Proposed/Default Decisions	58	60	93	97	308
Accusations - Stipulated Decisions	71	102	106	132	411
Accusations - Final Orders (Adopted by Board)	129	162	199	229	719
Accusations - All Decisions Avg Days to Complete	908	798	766	681	746
Total Final Orders (Adopted by Board)	129	164	200	241	734
Total Avg Days to Complete	908	798	766	667	738
Accusations Withdrawn	7	10	7	4	28
Accusations Dismissed	2	0	2	4	8
Accusations Declined	5	16	11	18	50
Avg Days to Complete Accusations W/D, Dis, Dec	829	549	650	565	680
Cases Closed Without Disciplinary Action	11	11	6	8	36
Avg Days to Complete Cases Closed W/O Discipline	335	478	193	420	413
Total Orders Aging	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FY 2010/11
0-90 Days	0	0	0	0	0
91-180 Days	3	5	8	6	22
181 Days - 1 Year	21	28	70	80	199
1-2 Years	28	52	55	72	207
2-3 Years	34	36	30	44	144
Over 3 Years	43	43	37	39	162

8.4 Probation Program Update and Statistics

PROGRAM UPDATE

Staff

The Discipline Unit has a full-time permanent Office Technician vacancy. The Probation and Discipline Units each have a vacant limited term Office Technician position. Recruitment efforts were completed to fill these positions. With the hiring freeze limitations, we did not receive any eligible candidates. The limited term positions have just over 14 months remaining of the 24 months allowed.

Effective June 27, 2011, Lisa Hall started in the Probation Unit as an Associate Governmental Program Analyst (AGPA)/Probation Monitor. Lisa has experience with the BRN as a Staff Services Analyst in the Discipline Unit.

Effective July 5, 2011, Elizabeth Elias, AGPA/Probation Monitor became a special investigator for the BRN Investigations Unit; therefore, recruitment efforts have been initiated to fill the vacant position.

On August 1, 2011, Gina Skinner AGPA/Discipline Analyst assumed her new position in the Diversion Unit as an AGPA. Recruitment efforts have been initiated to fill the vacant position.

Program - Discipline

The BRN Discipline and Probation programs began preparing default decisions coming out of the Oakland and San Francisco AGs office as of December 25, 2010. Although we would like to take on the other AG office locations, we are unable to do so until we are authorized to put the appropriate level of personnel in place.

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

Until we are able to hire nurses and additional special investigators the Discipline analysts will continue to review completed investigation reports and obtains expert witness reports prior to closing or referring any cases for possible disciplinary action. This additional workload continues to cause delays in our case turnaround times.

Program - Probation

The Probation Program continues to work on the Nursys discipline data comparison project and will continue to do so until all records have been reconciled against California's records. Updates will be provided at each DDC meeting.

Statistics - Discipline

There are 1,160 cases pending at the AG's office which continues to remain at a very high level. The BRN continues to be the AGO's largest client, surpassing the Contractor's State Licensing Board. From July 1, 2010 to June 30, 2011, the BRN staff has served 976 accusations.

Additional statistical information can be found under item 8.5.

Statistics – Probation

Below are the statistics for the Probation program as of July 20, 2011.

Probation Data	Numbers	% of Total
Male	140	26%
Female	402	74%
Chemical Dependency	299	55%
Practice Case	175	32%
Mental Health	3	<1%
Conviction	65	12%
Advanced Certificates	52	9%
Probation Data	Numbers	% of Total
Southern California	293	54%
Northern California	249	46%
Pending at the AG	67	12%
License Revoked	7	<1%
License Surrendered	9	<1%
Terminated	6	<1%
Completed	14	<1%
Total in-state probationers	542	

8.5 Diversion Program Update and Statistics

Carol Stanford presented this report

PROGRAM UPDATE

At the 2011 Attorney Investigator Conference, the National Council of State Boards of Nursing (NCSBN) presented information for establishing Drug Monitoring Programs. The conference included the Journal of Nursing Regulation publication that referenced the Model Guidelines for Alternative Programs and Discipline Monitoring Programs. The model guidelines were developed by the nine -member committee established by NCSBN to review discipline and alternative programs. The Diversion program manager, Carol Stanford, was a part of this committee and assisted in the development of these standards. The journal can be provided upon your request

Effective August 1, 2011, Gina Skinner started in the Diversion Program as an Associate Governmental Program Analyst (AGPA). Gina has experience with the BRN as an AGPA in Enforcement. Gina is thrilled to join the Diversion Unit and has started familiarizing herself with the program. The Diversion Program has a vacant Office Technician position and recruitment efforts have begun.

The Diversion program manager, Carol Stanford and Maximus Project Director, Virginia Matthews are scheduled to present at an education seminar for Sutter Medical Center in Northern California on September 29, 2011. This was prompted by the presentation at the Diversion Program Education Seminar for the Hospital Association in Southern California. The feedback was very positive and requests were made to provide a similar presentation in the Northern area.

On October 25, 2011, a Diversion Liaison Committee meeting will be held in Northern California. The logistics for this meeting will be presented at the next DDC Meeting. New DDC members are encouraged to attend the Diversion Evaluation Committee training on October 26, 2011 in Northern California.

Contractor Update

The Diversion Program Committee, (DPC) continues to meet monthly to update all contract requirements. Dr. Stephen Grinstead, co-author of the Gorsky relapse prevention book and a leader in relapse prevention research, is scheduled to present at the next scheduled DPC meeting.

Diversion Evaluation Committees (DEC)

On July 21, 2011, DEC member, Dr. Diane Hambrick presented addiction and relapse information at the Enforcement Managers Roundtable. Her expertise and willingness to share with the Enforcement Managers is appreciated. The staff is looking to expand this training to other DCA employees.

There are currently 12 vacancies as follows: two Registered Nurses, five Physicians, and five public members. Recruitment efforts continue.

Statistics

The Monthly Statistical Summary Report for April, May and June, 2011, can be found under agenda item 8.5. As of June 30, 2011, there were 1,567 successful completions.

Public comment:

Pilar De La Cruz Reyes, United States University

Marc Greenberg, Keesal, Young & Logan

Virginia Matthews, Maximus

BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
April, May and June

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	40	168	4,264
INTAKE INFORMATION			
Female	30	128	3,356
Male	10	40	908
Average Age	34-39		
Most Common Worksite	Hospital		
Most Common Specialty	Critical Care/Emergency		
Most Common Substance Abused	Alcohol/Hydrocodone		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	11	86	2,775
Mental Illness (only)	0	0	144
Dual Diagnosis	29	79	1,301
Undetermined	0	2	43
REFERRAL TYPE*			
Self	22	66	1,313
Board	18	102	2,951
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
Asian	2	5	85
African American	1	4	133
Hispanic	1	10	160
Native American	0	2	30
Pacific Islander	0	3	17
Caucasian	35	142	3,512
Other	1	2	61
Not Reported	0	0	266
CLOSURES			
Successful Completion	22	83	1,567
Failure to Derive Benefit	2	5	107
Failure to Comply	3	18	924
Moved to Another State	0	0	51
Not Accepted by DEC	2	5	44
Voluntary Withdrawal Post-DEC	3	7	287
Voluntary Withdrawal Pre-DEC	4	21	413
Closed Public Risk	6	33	215
No Longer Eligible	1	3	20
Client Expired	0	1	37
TOTAL CLOSURES	43	176	3,665
NUMBER OF PARTICIPANTS: 485 (as of June 30, 2011)			

8.5.1 Committee Member Term Resignations

Carol Stanford presented this report

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in chemical dependency and/or mental health.

RESIGNATION

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Juan Martinez	Nurse	North Central	12

8.5.2 Diversion Evaluation Committee Member Appointments

Carol Stanford presented this report

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

APPOINTMENTS

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés were reviewed. If appointed, their terms will expire June 30, 2015

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Ina Zelikman	RN	Bay Area	2
George Warner	Public	Palm Springs	6
Barry Solof	Physician	San Jose	7
John Harsany	Physician	San Diego	10
Scott Reiter	Physician	North Coast	11
Leah Monterrosa	RN	North Coast	11
Cynthia Rinde	Public	Oakland	13
Clifton Schermerhorn	Physician	Oakland	13
Jack Friedman	Physician	Santa Ana	14

MSC: Corless/Todero Motion that the Board accept appointments as presented. 6/0/0

9.0 Report of the Education/Licensing Committee

Catherine Todero, PhD, MSN, ANP-C, RN Chairperson

9.1 Ratify Minor Curriculum Revision

California State University, Channel Islands, Baccalaureate Degree Nursing Program,
Santa Barbara Extended Campus

California State University, Fresno, Baccalaureate Degree and Entry Level Master's
Degree Nursing Programs

Mount St. Mary's College Baccalaureate Degree Nursing Program

Simpson University Baccalaureate Degree Nursing Program

Western Governors University Baccalaureate Degree Nursing Program

American River College Associate Degree Nursing Program
Butte College Associate Degree Nursing Program
Carrington College California LVN-RN Associate Degree Nursing Program
Grossmont College Associate Degree Nursing Program
ITT Technical Institute, Rancho Cordova Campus, Associate Degree Nursing Program
Los Medanos College Associate Degree Nursing Program
Monterey Peninsula College Associate Degree Nursing Program
Napa Valley College Associate Degree Nursing Program
Saddleback College Associate Degree Nursing Program
Santa Ana College Associate Degree Nursing Program
Santa Barbara City College Associate Degree Nursing Program
Sierra College Associate Degree Nursing Program

Progress Report:

National University Baccalaureate Degree Nursing Program
Western Governors University Baccalaureate Degree Nursing Program
United States University Entry Level Master's Degree Program

MSC: Hoffner/Niemela that the Board Ratify Minor Curriculum Revisions. 5/0/0 (Harrison Not Available for Vote)

9.2 Education/Licensing Sub-Committee Recommendations

A. Continue Approval of Prelicensure Nursing Program

- California State University, Fresno, Baccalaureate and Entry Level Master's Degree Programs

MSC: Corless/Niemela that the Board Approve continuing Approval. 6/0/0

- Butte College Associate Degree Nursing Program

MSC: Niemela/Harrison that the Board Approve continuing Approval. 6/0/0

- Carrington College LVN to RN Associate Degree Nursing Program

MSC: Hoffner/Harrison that the Board Approve continuing Approval. 6/0/0

- Los Angeles Trade Technical College Associate Degree Nursing Program

MSC: Harrison/Niemela that the Board Approve continuing Approval. 5/1/0

- Los Medanos College Associate Degree Nursing Program

MSC: Niemela/Corless that the Board Approve continuing Approval. 6/0/0

- Mount St. Mary's College Associate Degree Nursing Program

MSC: Hoffner/Niemela that the Board Approve continuing Approval. 6/0/0

- Sierra College Associate Degree Nursing Program

MSC: Graves/Corless that the Board Approve continuing Approval. 6/0/0

- Victor Valley College Associate Degree Nursing Program

MSC: Niemela/Hoffner that the Board Approve continuing Approval. 6/0/0

B. Continue Approval of Advanced Practice Nursing Program

- California State University, Fresno, Nurse Practitioner Program

MSC: Niemela/Harrison that the Board Approve continuing Approval. 6/0/0

- San Francisco State University Family Nurse Practitioner Program

MSC: Corless/Niemela that the Board Approve continuing Approval. 6/0/0

C. Defer Action to Continue Approval of Advanced Practice Nursing Program

- California State University, Dominguez Hills, Entry Level Master's Degree Nursing Program

MSC: Niemela/Harrison that the Board Defer Action. 6/0/0

- D. Approve Major Curriculum Revision:
- Dominican University of California Baccalaureate Degree Nursing Program
MSC: Graves/Hoffner that the Board Approve continuing Approval. 6/0/0
 - Hartnell College Associate Degree Nursing Program
MSC: Niemela/Corless that the Board Approve continuing Approval. 6/0/0
 - Long Beach City College Associate Degree Nursing Program
MSC: Hoffner/Niemela that the Board Approve continuing Approval. 6/0/0
 - Mount St. Mary's College Associate Degree Nursing Program
MSC: Corless/Harrison that the Board Approve continuing Approval. 6/0/0

9.3 Progress Report from United States University Entry Level Master's Degree Program

Dr. Elisabeth Hamel was the Interim Program Director for the United States University ELM Degree Nursing Program through July 30 and now serves as the Assistant Program Director. Pilar DeLaCruz-Reyes has assumed the position of program director effective July 30, 2011 with BRN approval. Currently, much of her time is spent in a remote location but at the end of August she will relocate to Chula Vista near the school campus. This new director has quickly responded to requests for information and intervention in response to issues which have occurred during her first week of active employment.

A continuing approval visit was conducted at the United States University (USU) ELM Program on June 8 – 9, 2011 by NECs Leslie Moody and Miyo Minato, and Louise Bailey, Executive Officer, following receipt of complaints from students of USU's Cohort II Class of March 2011. There were findings of nine areas of noncompliance, involving 14 sections:

- Program Resources: Sec 1424(d);
- Assistant Director: Sec. 1424(f) and 1425(b)
- Faculty Responsibilities: Sec. 1424(g) and 1424(j)
- Faculty Qualifications: Sec. 1424(h) and 1425(f), 1425.1(a), 1425.1(d)
- Curriculum: 1426(b)
- Concurrent Theory and Clinical 1426(d)
- Clinical Facility: 1427(b)
- Student Participation: 1428
- Policy Relating to Eligibility for Examination: 1428.6(b)

Also, three recommendations were made: Sec. 1424(b) Policies and Procedures; 1424(b)(1) Evaluation; and 1424(c) Organizational Chart.

All findings of noncompliance and recommendations made were reported to the Board at the June 15, 2011 meeting. Representatives of USU were present including Dr. Yoram Neumann, President/CEO, Dr. Edith Neumann, Provost, and Dr. Elisabeth Hamel, Interim Program Director. BRN staff provided a verbal report. USU staff provided additional information in response to questions from the Board. Public input was heard from USU Cohort II students and their legal counsel in addition to other members of the public. After hearing all input the Board voted the following actions:

- To place United States University Entry Level Master's Degree Nursing Program on Warning Status with intent to remove Board approval.
- No new admission of students into the USU nursing program.

- The University is to take immediate corrective action to provide the 96 hours of supervised pediatrics experience for each of the 39 students in Cohort II. A priority is to be given to those students who have already taken the NCLEX Licensing Examination and/or are waiting to start employment.
- To submit a progress report to the Board addressing the areas of noncompliance and be present at the Board meeting October 2011.

Following the Board meeting, the program was experiencing difficulty with setting up the pediatric clinical rotations for students of Cohort II and requested assistance from the BRN. Miyo Minato, Supervising Nursing Education Consultant spent three days June 20-22 on site at United States University providing guidance and assistance to program staff. As of June 30, the program achieved securing and scheduling appropriate clinical sites, and hiring of additional pediatric faculty so that all Cohort II students can complete their pediatric clinical rotation.

On July 18 a phone call was received from a Cohort II student regarding the prior weekend clinical rotation shifts completed at Balboa Naval Hospital. Dr. Hamel, interim program director, was contacted regarding the student concern and it was revealed by Dr. Hamel that an unapproved faculty had been assigned and taught clinical rotations from July 11-17, 2011. Dr. Edith Neumann, USU Provost, was contacted and advised of this incident of noncompliance, and she was advised that there could be no instances of noncompliance with any of the BRN requirements. Dr. Neumann provided additional documentation to substantiate the applicant's experience with a completed faculty approval request and the faculty applicant was subsequently approved. Dr. Neumann provided reassurance that there would be no further incidents of noncompliance as she would provide close supervision of the nursing program.

A progress report has been received from the program to identify actions taken in response to the areas of noncompliance and recommendation identified during the June 2011 visit. Clinical rotations have been scheduled and are being completed for the Cohort II students' pediatric experience, and the school is submitting amended documentation to the BRN licensing unit as each student completes their rotations.

On August 1, 2011 a student from the non-citizen subcohort of primary Cohort II called to report that their El Centro Medical Center pediatric clinical rotations had been cancelled two weeks prior and students had not yet received news regarding scheduling at an alternate location. When Dr. Edith Neumann, Provost, was contacted, she confirmed that the rotations had been cancelled by the clinical facility and attempts were being made by the program to establish a clinical relationship with a new facility. A new facility was subsequently secured and BRN approved on August 8, and students of this subcohort have now been scheduled to complete their pediatric clinical rotations by the end of August. The same student also reported that students had no person to contact within the nursing program to report concerns. Upon being informed of this, new director Pilar DeLaCruz-Reyes provided her personal cell phone number to the students.

On August 3, 2011 a student from a subcohort (8 students) of primary Cohort II called to report that the subcohort had been offered the opportunity by the instructor to leave early on each of three days of their July pediatric clinical rotation. The instructor advised that students would have to unanimously vote in favor this in order for them to be able to leave early each clinical day. All students agreed and the instructor released them from clinical 2 hours early on Monday, July 26, 2 hours early on Tuesday, July 27, and 3.5 hours early on Wednesday, July 28. The student additionally expressed concern that part of their clinical rotation was spent in the NICU – the program had previously been advised on more than one occasion that NICU was not an appropriate clinical assignment to achieve the program's approved pediatric course learning objectives. All of this was reported to Dr. Elisabeth Hamel who responded that an investigation

would be conducted and faculty would again be reminded that NICU is not an appropriate clinical placement for pediatric clinical objectives. These issues were also discussed with the new program director, Pilar DeLaCruz-Reyes, who planned to counsel students and faculty involved, and immediately develop a plan for make-up of lost clinical hours for this subcohort.

The program continues to operate without any full-time faculty. Content experts have been identified (part-time faculty) for four of the content areas but the program continues without a content expert for psych/mental health. The new program director is aware of this and has stated that hiring of full-time faculty is a high priority.

NCLEX results for the year 2009-10 were 62.5% first-time test takers pass, 2010-11 71.43% and quarter 04/01/11-06/30/11 75% (18/24). The results are all below BRN established performance threshold, but are trending upward which is likely due to recent program instructional changes including application of ATI tools and requiring minimum ATI test performance for program progression and exit.

Recommendation of Education/Licensing Sub-Committee:

- **Continue status of Warning With Intent to Remove Board Approval**
- **Continue to restrict program from admitting any new students**
- **Program to provide progress report to Board at October 13, 2011 meeting**

Public Comment:

Nanette Logan, SEIU

MSC: Harrison/Niemela that the Board continue warning status, no new admissions and update with significant data and information at the October ELC meeting. 5/1/0

9.4 Notification of Incomplete Feasibility Study for Prelicensure Registered Nursing Program

For information only - No action taken.

The California Code Regulations section 1421(a) Application for Approval requires that a new prelicensure registered nursing program comply with the requirements specified in the board's document, entitled, "*Instructions for Institutions Seeking Approval of New Prelicensure Registered Nursing Program*", (EDP-I-01 Rev 03/10), (Instructions). Per Step 3 of the Instructions "If staff deems the revised feasibility study incomplete, it will be returned to the program with a written notice of the deficiencies, and will not be submitted to the ELC. The ELC and Board will be notified of the name of the program applicant, the return of the feasibility study and the deficiencies that resulted in the feasibility study being returned. If the applicant still wishes to start a prelicensure registered nursing program, the applicant must restart the process at Step 1."

The following feasibility from the applicant school did not comply with the requirements specified in the Instructions and has been sent notification:

School	Contact Person	Areas of Deficiency
Mission Career College Review completed by: Carol Mckay, NEC Date deficiency letter sent: July 27, 2011	Mr. Tino Abila, EdD, Executive Director	Institutional description and experience providing health related programs; Community served; Type of program being proposed; Promotion of proposed program; Curriculum and Resources; Budgetary provisions; Clinical placements

9.5 Regulatory Proposal: California Code of Regulations, Article 10, Sponsored Free Health Care Event – Requirements for Exemption.

Bobbi Pierce presented this report

Assembly Bill 2699 (Bass) was chaptered last year and became effective January 1, 2011. The statute permits the Board to issue authorization for registered nurses licensed in another state, district, or territory of the United States to provide nursing services at “sponsored events” in this state without obtaining a California RN license. The statute defines “sponsored event” as “an event, not to exceed 10 calendar days, administered by either a sponsoring entity or a local government, or both, through which health care is provided to the public without compensation to the health care practitioner.” The sponsoring entity must: register with the Board; provide specified information to the county health department in which the services will be provided; and comply with reporting and record keeping requirements. The out-of-state registered nurse must meet specified requirements. The statute is repealed January 1, 2014, unless extended.

The Department of Consumer Affairs (DCA) provided boards with a sample regulation language template to facilitate the regulatory process. Attached is the proposed BRN regulatory language, including two documents that are incorporated in regulation by reference. The following changes/modifications were made to the DCA template:

§1503(a) Out-of-State Practitioner Request for Authorization to Participate.

- Added requirement that the applicant submit the application sixty (60) days prior to the first sponsored event. The requirement takes into consideration the forty-five (45) days it may take to receive the criminal history report. The statute requires that the Board notify the sponsoring entity, within twenty (20) calendar days of receiving the request for authorization to practice, whether the request was approved or denied. If the criminal history report has not been received and the applicant is otherwise eligible, the Board will send a conditional approval. The approved applicant is permitted to provide registered nursing services at no more than four (4) sponsored events in a twelve (12)-month period.
- Set a \$50.00 processing fee, and specified that the fee is not only non-refundable, but also non-transferable.
- Require fingerprints only for the first application in a twelve (12) month period.

§1503(b) Response to Request for Authorization to Participate.

- Added that the applicant, and not just the sponsoring entity, would be informed of the Board’s decision on the authorization request, since the Board holds the RN accountable for his/her compliance with the statutory and regulatory requirements.

§1503(c) Denial of Request for Authorization to Participate.

- (1)(B) specified the educational and experience requirements, i.e., completion of a prelicensure registered nursing program that is equivalent to California Board-approved programs; clinical competency; and, within the last three (3) years, provision of same or similar nursing services to be provided at the sponsored event.
- (1)(D) added that any registered nurse license the applicant possesses must be in good standing.
- (1)(E) added section, specifying that the applicant cannot be a participant in a health care professional diversion program for chemical dependency or mental illness.

- (1)(F) specified that the registered nurse cannot have participated in four (4) sponsored events during the twelve (12) months immediately preceding the current application.

§1505 Disclosure of Name and State of Licensure; Complaints

Added this section requiring that the out-of-state practitioner wear a name tag during the sponsored event, and that the sponsoring entity must post a notice regarding the out-of-state licensure status of the registered nurses and process for filing of complaints.

DCA also provided sample template forms for sponsoring entity registration and request for authorization to practice by out-of-state practitioners. No changes were made in the sponsoring entity registration form; the authorization to practice form was revised for clarity and to conform with the proposed regulations.

Public Comment:

Lydia Bourne, California Nurses

MSC: Corless/Hoffner that staff notice the proposal for public hearing. 6/0/0

9.6 Licensing Program Overview and Statistics Report

Bobbi Pierce presented this report

The Board of Registered Nursing has been processing applications for graduates wanting to take the NCLEX-RN. California schools are able to provide the Board with information for their graduates a minimum of 4 weeks prior to their graduation date. We are still finding that many schools are not submitting documentation until well after graduation. This decreases the chances of an ineligible student from being scheduled for the examination.

From June 16, 2011 to July 14, 2011, 862 new applications were received from California graduates and of these applications, 776 were deemed eligible for the examination. For the month of June, a total of 1,810 Individual Candidate Rosters were received and processed, and we have received 161 rosters for July graduates.

The Licensing Program is still facing challenges. We have been unable to fill our 3 vacant Key Data Operator (KDO) positions. Most KDOs work outside of the Department of Consumer Affairs (DCA) and with the hiring freeze constraints, we are unable to recruit. We are in the process of upgrading the KDO positions to increase our ability to fill the vacancies.

The Office Services Supervisor II (OSSII) position is also still vacant. The position was advertised and we received less than 5 applications. The position has been re-advertised in hopes that there will be more applicants. The OSSII position is vital to maintaining the workflow of the Licensing Support Unit.

Statistics:

The Department of Consumer Affairs, in conjunction with the Board, continues to provide statistical reports to the Governor's Office and the State and Consumer Services Agency on a monthly basis for the Licensing and Job Creation Report. This project has been on-going since January 2010 and the Board has been active participant in meeting the goals of the program to contribute towards California's job growth through expeditious and efficient processing of professional pending examination and licensing applications.

The statistics for the last 3 fiscal years are attached. You will note that there is a decrease in the number of applications for examination, endorsement and repeaters during the last 3 fiscal years. It is believed that the economic slowdown and the Board no longer accepting applications without a United States Social Security Number have lead to this decrease.

**CALIFORNIA BOARD OF REGISTERED NURSING
LICENSING STATISTICS**

DESCRIPTIONS	FISCAL YEAR 2008/09			FISCAL YEAR 2009/10			FISCAL YEAR 2010/11 7/1/2010 – 6/30/11		
	APPS RECEIVED	**APPS PENDING	LICENSES & CERTS ISSUED	APPS RECEIVED	**APPS PENDNG	LICENSES & CERTS ISSUED	APPS RECEIVED	**APPS PENDING	LICENSES & CERTS ISSUED
REGISTERED NURSE – EXAMINATIONS ENDORSEMENTS & REPEATERS	50,504	8,398	23,624	44,516	7,492	23,357	34,559	5,933	23,150
CLINICAL NURSE SPECIALISTS	246	13	216	240	27	204	200	97	197
NURSE ANESTHETISTS	142	1	129	139	4	124	148	22	145
NURSE MIDWIVES	38	0	45*	42	0	38*	44	18	48*
NURSE MIDWIFE FURNISHING NUMBER	37	0	35	37	2	32	23	6	23
NURSE PRACTITIONERS	817	0	804	937	9	854	838	263	917
NURSE PRACTITIONER FURNISHING NUMBER	704	2	680	670	7	598	699	65	751
PSYCH/MENTAL HEALTH LISTING	9	1	6	5	1	4	8	5	6
PUBLIC HEALTH NURSE	2,148	98	1,997	2,538	120	2,373	2,679	343	2,712

*Nurse-Midwife applicants are often educated outside of the United States and must remediate course work prior to certification.

**Applications pending – Initial evaluation is complete; additional documentation required to complete file or applicant needs to register with the testing service, Pearson VUE.

Issues:

- Staff is receiving an increase in transcripts from Philippine applicants who have completed a 2-year preparatory program leading to a Certificate in Two-Year Associate in Health Science Education (AHSE). This program comprises the general education component of all baccalaureate degrees in the Health Professions. Staff has requested a copy of the AHSE curriculum. We have had no response to our request. Our concern is that credits from the AHSE program will be used to meet RN educational requirements.
- We are receiving transcripts from applicants who are completing clinical rotations after the conferral date of their degree, as posted on the official transcripts.

- We are receiving transcripts from students who returned to their original nursing school, after many years, to complete their nursing program. The schools are permitting these students to complete less didactic and clinical hours than students enrolled in the school's traditional baccalaureate nursing program. The school states in their handbook and on the official transcript that a semester is comprised of 16 weeks. These students are completing a semester's worth of work in less than 25 days.
- Staff is still faced with the dilemma of determining which document is an accurate reflection of an applicant's education. One school has sent 3 official transcripts for one of their graduates, each one different. The school has explained that the Archivist made an error and the latest received document is correct. All of the documents are allegedly signed by the same school representative. Now the school representative has informed the Board that this person was never a student at the school.

No comments from board or public.

9.7 NCLEX-RN Pass Rate Update

Katie Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

July 1, 2010 – June 30, 2011*/**

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California*	11,283	87.64
United States and Territories	145,613	87.73

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters July 1, 2010-June 30, 2011*/**

7/01/10- 9/30/10		10/01/10- 12/31/10		1/01/11- 3/31/11		4/01/11- 6/30/11		7/01/10- 6/30/11	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
4,423	86.03	994	80.38	3,466	90.22	2,400	89.88	11,283	87.64

*Includes (6), (2), (6) & (9) "re-entry" candidates

** Passing standard (-0.16 logits) implemented April 1, 2010

Note: Quarterly figures revised based on 7/15/11 NCSBN reports

The Nursing Education Consultants monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year (July 1 – June 30), if there is substandard performance (**below 75% pass rate for first time candidates annually**), the NEC requests the program director submit a report outlining the program's action plan to address this substandard performance. Should the substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

10.0 Report of the Nursing Practice Committee

Judy Corless, BSN, RN, Chairperson

10.1 Certified Nurse-Midwives Advisories

Janette Wackerly presented this report.

Certified Nurse-Midwife advisories are available at www.rn.ca.gov. When using the BRN home page, locate the cursor on the left hand side of the page, titled "Practice Information". Then locate the cursor over "certified nurse-midwife" for listing advisories.

The liaison to the Practice Committee has been assisted with the nurse-midwifery advisories by California Nurse-Midwives Association leadership team. Kim Q, Dau CNM, RN CNMA Health Policy Committee co-chair. Other leadership team members are CNMA leadership include Melanie Austin CNM, RN, CNMA Policy Committee co-chair; BJ Snell PhD, RN CNM; Maria Kammerer CNM, RN CNMA president-elect; Monica Viera RN, WHCNP, CNM, MSN CNMA President.

Legal has opportunity to review the Certified Nurse-Wives advisories and provide change as determined. The below certified nurse-midwives are now available for the practice committee review.

With board approval the following advisories will be posted to the BRN website.

Certified Nurse-Midwives advisories

- Nurse Midwives: Laws and Regulations
- Nurse Midwifery Practice under Standardized Procedures Prohibited
- Criteria for Furnishing Number Utilization by Certified Nurse-Midwives

Public Comment: Melanie Austin, California Nurse Midwives Association

MSC: Toder/Hoffner that the board accept all updated advisories as submitted. 6/0/0

11.0 Public Comment for Items Not on the Agenda

Brian Chilstrum, Executive Director of Institutional Affairs and Compliance, Summit College. Commented on SB 538 and read his written statement into the record.

12.0 Closed Session

Disciplinary Matters

The Board will convene in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on disciplinary matters including stipulations and proposed decisions

Discussion of Pending Litigation

The Board will meet in closed session to discuss a pending litigation matter with its legal counsel pursuant to Government Code Section 11126(e) (2) (C) (i) and 11126(e) (2) (B) (i).

13.0 Call to Order – Board President called the meeting to order at 9:15 am and had the members introduce themselves.

PRESENT: Jeannine Graves, MPA, BSN, RN, President
Doug Hoffner, Vice President
Judy L. Corless, BSN, RN
Dian Harrison, MSW
Erin Niemela
Catherine M. Toderro, PhD, MSN, RN

NOT PRESENT: Darlene Bradley, MSN, CNS, RN
Richard L. Rice
Kathrine M. Ware, MSN, ANP-C, RN

ALSO PRESENT: Louise Bailey, M.Ed., RN, Executive Officer
Stacie Berumen, Assistant Executive Officer
Don Chang, DCA Legal Counsel
Kim Ott, Legal Desk Analyst
Steven Owyang, Administrative Law Judge
Leslie Brast, Deputy Attorney General

14.0 Public Comment for Items Not on the Agenda
No public comment.

15.0 Disciplinary Matters

Reinstatements

Jeanne MacDonald - Granted
Gregory Lane - Denied
Kathy Arredondo - Granted

Termination of Probation

William Shay - Early Termination Denied/
Modification Granted
Celestine Samuel-Blalock - Denied
Lydia Sebastian- Denied

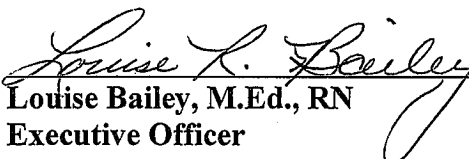
16.0 Closed Session

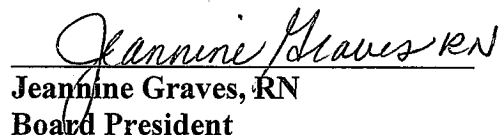
Disciplinary Matters

The Board will convene in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Decisions are pending until final orders are received from the Administrative Law Judge with the Office of Administrative Law.

J. Graves, Board President, called the closed session meeting to order at 1:20pm. The closed session adjourned at 2:33 pm.


Louise Bailey, M.Ed., RN
Executive Officer


Jeannine Graves, RN
Board President